

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington D.C. 20554

RECEIVED

JUL 18 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Advanced Television Systems)
 and Their Impact Upon the)
 Existing Television Broadcast)
 Service)

MM Docket No. 87-268

To: The Commission

**OPPOSITION TO PETITION FOR RECONSIDERATION
 FILED BY TRINITY CHRISTIAN CENTER OF SANTA ANA, INC.
d/b/a TRINITY BROADCASTING NETWORK**

By its attorneys and pursuant to Section 1.429(f) of the Commission's rules, Cedar Rapids Television Company ("CRTC"), licensee of television station KCRG-TV, Cedar Rapids, Iowa, hereby opposes the June 13, 1997 petition filed by Trinity Christian Center of Santa Ana, Inc. d/b/a Trinity Broadcasting Network ("Trinity"), the licensee of translator station K52FN, Muscatine, Iowa for reconsideration of the *Sixth Report and Order* in the above referenced proceeding.¹ Specifically, CRTC opposes Trinity's request that KCRG's paired channel for digital television ("DTV") service be changed from Channel 52 to Channel 41.

KCRG has been allotted DTV Channel 52. This allotment will require K52FN either to cease operation altogether or to change its channel frequency, as K52FN's continued use of Channel 52 would impermissibly interfere with the digital operation of KCRG. Trinity therefore requests that DTV Channel 41, rather than Channel 52, be assigned to KCRG. Trinity does not, however, provide any showing whatsoever to demonstrate that DTV Channel 41 is a viable allotment with respect to service

¹ *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997).

replication and interference protection. Indeed, as demonstrated in the Engineering Statement appended hereto as Attachment 1, it is clear that DTV Channel 41 is a far inferior allotment compared to DTV Channel 52. KCRG's use of DTV Channel 41 would cause substantial interference to several other full power stations operating on that channel. Moreover, KCRG would receive substantial interference if it uses DTV Channel 41, thereby reducing its service area. Accordingly, DTV Channel 52 is much better suited for providing quality digital television service to KCRG's current service area.

As support for its petition, Trinity simply claims that displacing K52FN will result in the loss of "diverse and unique programming." The Commission, however, has stated its position very clearly: secondary stations are not to be accorded the same status or level of interference protection given to full-power stations during the DTV transition. Thus, in the *Fifth Report and Order* in the above captioned proceeding, the Commission stated, "[w]e previously determined that there is insufficient spectrum to include LPTV stations and translators, *which are secondary under our rules and policies*, to be initially eligible for a DTV channel" and "in order to provide DTV allotments for existing full service stations, it will be necessary to displace LPTV stations and TV translator stations to some degree."²

Recognizing that many translator stations must be displaced to facilitate the orderly transition to digital television, the Commission has adopted a number of measures to minimize the impact on secondary stations. For example, translator stations are permitted to continue operations until a displacing DTV station is operational.³ A translator station may also apply for a suitable replacement channel without being subject to competing applications.⁴ In addition, the Commission has issued a

² *Fifth Report and Order*, MM Docket No. 87-268, FCC 97-116 (released April 21, 1997) at 18 (emphasis added).

³ *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) at 142.

⁴ *Id.* at 144.

number of technical rule changes to provide translator stations with additional operating flexibility.⁵

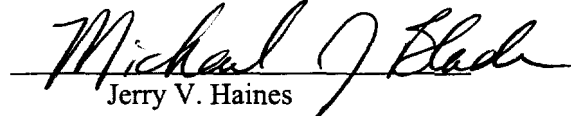
Accordingly, given the clarity of the Commission's position that LPTV and TV translator stations are secondary to full-power stations and the Commission's efforts to minimize the DTV transition's impact on translator stations, CRTC respectfully submits that station K52FN should avail itself of the applicable displacement minimization measures that the Commission has made available to it.

For the foregoing reasons, CRTC respectfully requests that the Commission deny Trinity's petition and retain KCRG's DTV allotment of Channel 52.

Respectfully submitted,

CEDAR RAPIDS TELEVISION COMPANY

By:



Jerry V. Haines

John M. Burgett

Michael J. Blade

Its Attorneys

WILEY, REIN & FIELDING

1776 K Street, N.W.

Washington, D. C. 20006

(202) 429-7000

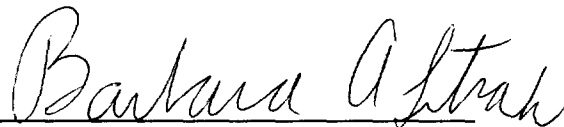
July 18, 1997

⁵ *Id.* at 145.

CERTIFICATE OF SERVICE

I, Barbara A. Litvak, hereby certify that the forgoing Opposition to Petition for Reconsideration filed by Trinity Christian Center of Santa Ana, Inc. d/b/a Trinity Broadcasting Network has been sent, by first class mail, postage prepaid, on this 17th day of July, 1997, to the following party:

Colby M. May
1000 Thomas Jefferson Street, N.W.
Suite 609
Washington, D. C. 20007

A handwritten signature in cursive script, reading "Barbara A. Litvak", written over a horizontal line.

Barbara A. Litvak

ATTACHMENT 1

ENGINEERING STATEMENT

**EXHIBIT E
ENGINEERING STATEMENT
IN SUPPORT OF AN OPPOSITION BY
CEDAR RAPIDS TELEVISION COMPANY
TO A PETITION FOR RECONSIDERATION
OF THE SIXTH REPORT AND ORDER IN DOCKET 87-268
BY TRINITY BROADCASTING NETWORK**

INTRODUCTION

This statement was prepared on behalf of Cedar Rapids Television Company, licensee of television broadcast station KCRG-TV Channel 9 Cedar Rapids, Iowa. It supplies technical information in support of an opposition to a petition for reconsideration of the Sixth Report and Order in Docket 87-268 that was filed with the Commission on behalf of Trinity Broadcasting Network ("TBN").

TECHNICAL ANALYSIS

TBN is the licensee of numerous television translator stations throughout the United States, a significant number of which may be displaced by the DTV allotments proposed in the Sixth Report and Order. In order to accommodate their secondary service translator operations and avoid channel displacement, TBN has petitioned for reconsideration of the Sixth Report and Order by requesting a change in the DTV pairings in 56 markets in the United States. One of the markets is the Cedar Rapids, Iowa market in which TBN has proposed an alternate DTV pairing for the NTSC licensed facility of KCRG-TV Channel 9 Cedar Rapids. In an engineering statement supporting TBN's petition for reconsideration it is emphasized that the proposed alternative DTV allotments are based on a computer study by MSTV/NAB that was based on spacing considerations between DTV and NTSC facilities. It is also acknowledged by TBN that they were not able to verify the MSTV/NAB assumptions since the software employed by the FCC in calculating station replication and caused and received interference in area and population was not available to the public.


The software program needed to verify the viability of the MSTV/NAB computer study is now available through the release of OET Bulletin No. 69 dated July 2, 1997. The office of the undersigned has the complete software package as described in OET Bulletin No. 69 available for use on a computer work station similar to the computers used by OET in the development of the DTV allotment plan. The results of individual market analyses have been compared with service replication and interference evaluations contained in Table 1 of Appendix B of the Sixth Report and Order with total verification of the accuracy of the program.

On behalf of KCRG-TV the Office of Lohnes and Culver has conducted an analysis, using the software developed by OET, of the impact of the change in the DTV pairing for KCRG-TV at Cedar Rapids as proposed by TBN. Attached to this statement as Figure 1 is a computer printout of the results of an analysis of the allotment of Channel 52 for DTV pairing with KCRG-TV proposed by the Commission in the Sixth Report, as compared with an analysis of the allotment of Channel 41 for DTV pairing as proposed by TBN. As shown on Figure 1 the DTV pairing for KCRG-TV on Channel 52 will be essentially free of interference from NTSC operations and from the DTV pairings in the Sixth Report and Order. A DTV pairing for KCRG on Channel 41, however, as proposed by TBN, will receive interference to an area of 483.9 square kilometers with a population of 18,712.

A study of other NTSC operations and proposed DTV pairings was conducted to determine the impact on those operations/allotments as a result of the change in DTV pairing for KCRG-TV as proposed by TBN. The results of that analysis are tabulated on Figure 2. There are two NTSC operations and 4 DTV pairings that will receive additional interference if KCRG-TV is paired with Channel 41 rather than Channel 52 as proposed by TBN. The NTSC operations will receive additional interference to a total area of 980.7 square kilometers with a population of 19,937 and the DTV pairings will receive additional interference to a total area of 716.1 square kilometers with a population of 12,132.

The analysis described above, based on the use of the Commission's computer software, clearly demonstrates that a significant amount of area and resulting population will be adversely affected if KCRG-TV were paired with DTV Channel 41 as proposed by TBN rather than Channel 52 as proposed by the Commission in the Sixth Report and Order.

Respectfully submitted,
LOHNES AND CULVER



Frederick D. Veihmeyer

July, 1997

FIGURE 1
 COMPUTER ANALYSIS
 OF DTV ALLOTMENTS TO CEDAR RAPIDS IA
 AFFECTED BY DTV PAIRINGS
 Channel 52 KCRG-TV Cedar Rapids (Sixth Report and Order)
 Channel 41 KCRG-TV Cedar Rapids (TBN Petition for Reconsideration)

Analysis of: 52A IA CEDAR RAPIDS

	<u>POPULATION</u>	<u>AREA (sq. km.)</u>
within Noise Limited Contour	981828	45245.9
not affected by terrain losses	949193	44378.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	16	4.0
lost to all IX	16	4.0

Analysis of: 41A IA CEDAR RAPIDS

	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	981828	45245.9
not affected by terrain losses	949961	44487.8
lost to NTSC IX	17695	270.2
lost to additional IX by ATV	1017	213.7
lost to all IX	18712	483.9

Lohnes and Culver

Prepared by

July, 1997

Washington, D.C.

FIGURE 2
COMPUTER ANALYSIS
OF NTSC OPERATION AND DTV ALLOTMENTS
AFFECTED BY DTV PAIRINGS
Channel 52 KCRG-TV Cedar Rapids (FCC)
Channel 41 KCRG-TV Cedar Rapids (TBN)

Analysis of: 40N IA DUBUQUE

	DTV CHANNEL 52		DTV CHANNEL 41	
	<u>POPULATION</u>	<u>AREA (sq. km)</u>	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	221581	12434.9	221581	12434.9
not affected by terrain losses	218427	12093.3	218427	12093.3
lost to NTSC IX	277	60.3	277	60.3
lost to additional IX by ATV	2337	269.3	16609	1241.9
lost to all IX	2614	329.6	16886	1302.2

Analysis of: 41N MN ST. CLOUD

	DTV CHANNEL 52		DTV CHANNEL 41	
	<u>POPULATION</u>	<u>AREA (sq. km)</u>	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	2609667	20291.8	609667	20291.8
not affected by terrain losses	2596085	20195.7	596085	20195.7
lost to NTSC IX	246661	1169.1	246661	1169.1
lost to additional IX by ATV	79	4.0	5744	12.0
lost to all IX	246740	1173.1	252405	1181.2

Analysis of: 41A IA BURLINGTON

	DTV CHANNEL 52		DTV CHANNEL 41	
	<u>POPULATION</u>	<u>AREA (sq. km)</u>	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	90712	3829.4	90712	3829.4
not affected by terrain losses	90712	3829.4	90712	3829.4
lost to NTSC IX	0	0.0	0	0.0
lost to additional IX by ATV	0	0.0	642	181.6
lost to all IX	0	0.0	642	181.6

Analysis of: 42A IA MASON CITY

	DTV CHANNEL 52		DTV CHANNEL 41	
	<u>POPULATION</u>	<u>AREA (sq. km)</u>	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	764990	43364.8	764990	43364.8
not affected by terrain losses	741386	42558.9	741386	42558.9
lost to NTSC IX	41	12.0	41	12.0
lost to additional IX by ATV	0	0.0	4216	128.3
lost to all IX	41	12.0	4257	140.3

Prepared by

Lohnes and Culver

July, 1997

Washington, D.C.

FIGURE 2 (Cont'd)
 COMPUTER ANALYSIS
 OF NTSC OPERATION AND DTV ALLOTMENTS
 AFFECTED BY DTV PAIRINGS
 Channel 52 KCRG-TV Cedar Rapids (FCC)
 Channel 41 KCRG-TV Cedar Rapids (TBN)

Analysis of: 41A IA SIOUX CITY

	DTV CHANNEL 52		DTV CHANNEL 41	
	<u>POPULATION</u>	<u>AREA (sq. km)</u>	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	667457	50644.2	667457	50644.2
not affected by terrain losses	657589	49857.3	657589	49857.3
lost to NTSC IX	198	36.1	198	36.1
lost to additional IX by ATV	12	8.0	1923	256.9
lost to all IX	210	44.2	2121	293.1

Analysis of: 41A IL FREEPORT

	DTV CHANNEL 52		DTV CHANNEL 41	
	<u>POPULATION</u>	<u>AREA (sq. km)</u>	<u>POPULATION</u>	<u>AREA (sq. km)</u>
within Noise Limited Contour	710178	12422.4	710178	12422.4
not affected by terrain losses	710145	12418.3	710145	12418.3
lost to NTSC IX	0	0.0	0	0.0
lost to additional IX by ATV	39	4.0	5402	161.3
lost to all IX	39	4.0	5402	161.3